

JOURNAL OF THE SENATE

EIGHTY-EIGHTH SESSION

TWENTY-NINTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, February 25, 2013

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Father Mark McCormick, followed by the Pledge of Allegiance led by Senate page Kristen Rarret.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twenty-eighth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

HONORED GUESTS

The President introduced Tabor Czech Days Royalty Queen Raquel Sutera, Prince Bryce Dangler, and Princess McKensie Sedlacek to the body.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared SB 121 and finds the same correctly enrolled.

Respectfully submitted,
Corey Brown, Chair

Also MR. PRESIDENT:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1075 and returns the same with the recommendation that said bill be amended as follows:

1075yb

On page 1, line 6, of the House State Affairs Committee engrossed bill, delete "and".

On page 1, delete lines 7 to 11, inclusive, and insert "Executive Board of the Legislative Research Council, a member of the House appropriations committee, and seven other members of the Legislature to be appointed by the Executive Board of the Legislative Research Council appointed by the speaker of the House and a member of the Senate appropriations committee appointed by the president pro tempore of the Senate as ex officio members. In addition, the committee shall include three members of the House of Representatives appointed by the speaker of the House and three members of the Senate appointed by the president pro tempore of the".

On page 2, after line 8, insert:

"Section 2. That § 2-6-29 be amended to read as follows:

2-6-29. The Legislature's Planning Committee shall select a chair and a vice chair and shall be provided with staff assistance from the Legislative Research Council. The chair and vice chair shall be from different Houses."

And that as so amended said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on State Affairs respectfully reports that it has had under consideration
3 HB 1087 and returns the same with the recommendation that said bill be amended as follows:

4 1087oa

5 On page 5 of the House engrossed bill, delete lines 2 to 5, inclusive.

6 And that as so amended said bill do pass.

7 Respectfully submitted,
8 Larry Rhoden, Chair

9 Also MR. PRESIDENT:

10 The Committee on Appropriations respectfully reports that it has had under consideration
11 HB 1013, 1014, 1015, and 1016 and returns the same with the recommendation that said bills
12 do pass.

13 Also MR. PRESIDENT:

14 The Committee on Appropriations respectfully reports that it has had under consideration
15 HB 1249 and 1250 which were tabled.

16 Respectfully submitted,
17 Deb Peters, Chair

18 Also MR. PRESIDENT:

19 The Committee on Health and Human Services respectfully reports that it has had under
20 consideration HB 1126 and returns the same with the recommendation that said bill be amended
21 as follows:

22 1126jd

23 On the House engrossed bill, delete everything after the enacting clause and insert:

24 "Section 1. That § 36-35-8 be amended to read as follows:

25 36-35-8. Any person engaged in the practice of massage in this state shall conspicuously
26 display a valid license ~~or certified duplicate license~~ from the board in the person's place of
27 business.

1 Section 2. That § 36-35-9 be amended to read as follows:

2 36-35-9. Any fees ~~and civil penalties~~ collected under this chapter shall be used for the
3 operation of the board and the implementation of this chapter.

4 Section 3. That § 36-35-10 be amended to read as follows:

5 36-35-10. Any person who engages in the practice of massage or holds himself or herself
6 out to the public as engaged in the practice of massage without a license pursuant to this chapter
7 is guilty of a Class 1 misdemeanor ~~and upon conviction the court shall assess a civil penalty of~~
8 ~~one thousand dollars payable to the board.~~ The state or the board may file a civil action to enjoin
9 any person engaging in the practice of massage without a license.

10 Section 4. That § 36-35-11 be repealed.

11 ~~36-35-11. Any person who advertises services to the public as a massage therapist,~~
12 ~~bodywork therapist, masseur, masseuse, massagist, or any derivation or abbreviation of those~~
13 ~~terms or any other term commonly recognized to mean the practice of massage therapy while~~
14 ~~not licensed under this chapter is guilty of a Class 1 misdemeanor. Upon conviction the court~~
15 ~~shall assess a civil penalty of one thousand dollars payable to the board. The state or the board~~
16 ~~may file a civil action to enjoin any person from violating this section.~~

17 Section 5. That § 36-35-12 be amended to read as follows:

18 36-35-12. The board ~~may~~ shall issue a license to engage in the practice of massage to any
19 person who submits an application form and the nonrefundable application fee as approved in
20 § 36-35-17 and who demonstrates the following qualifications:

21 (1) Eighteen years of age or older;

22 (2) ~~Good moral character;~~

23 ~~—(3)—~~High school diploma or equivalent;

24 ~~(4)~~(3) Completion of no less than five hundred hours of training or study in the practice of
25 massage with a facility or instructor recognized by the board;

26 ~~(5)~~(4) Absence of unprofessional conduct;

27 ~~(6)~~(5) Professional liability insurance coverage ~~with limits at or above an amount set by the~~
28 ~~board pursuant to section 15 of this Act;~~ and

29 ~~(7)~~(6) Passing score on ~~an examination administered by a national certification board a~~
30 ~~nationally recognized competency examination~~ approved by the board in rules
31 promulgated pursuant to chapter 1-26.

32 ~~A license issued under this chapter is valid for a period of one year from the date it was~~
33 ~~issued and automatically expires unless it is renewed. The board may refuse to grant a license~~

1 to any person based on failure to demonstrate the requirements of this section. An applicant may
2 appeal the denial of a license in compliance with chapter 1-26.

3 Section 6. That chapter 36-35 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Upon application and payment of a fee not to exceed seventy-five dollars, the board may
6 issue a temporary permit to practice as a licensed massage therapist to an applicant who has met
7 the requirements of subdivision 36-35-12(1) to (5), inclusive, pending completion and results
8 of the examination required pursuant to subdivision 36-35-12(6). A temporary license may be
9 issued no more than twice and is effective for a term of not more than one hundred eighty days.
10 A temporary license expires on the occurrence of the following:

- 11 (1) Issuance of a regular license;
- 12 (2) Failure to pass the licensing examination; or
- 13 (3) Expiration of the term for which the temporary license was issued.

14 Section 7. That chapter 36-35 be amended by adding thereto a NEW SECTION to read as
15 follows:

16 The board shall automatically issue a license with an expiration date of September 30, 2014,
17 to any massage therapist licensed in South Dakota before July 1, 2013.

18 Section 8. That chapter 36-35 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 Unless automatically issued pursuant to this section, a license issued under this chapter is
21 valid until September thirtieth following the date it is issued and automatically expires unless
22 it is renewed.

23 Section 9. That § 36-35-13 be amended to read as follows:

24 36-35-13. For the purposes of this chapter, any of the following acts constitute
25 unprofessional conduct:

- 26 (1) Conviction of any felony, any crime involving or relating to the practice of massage,
27 or any crime involving dishonesty or moral turpitude;
- 28 (2) ~~Abuse of or addiction to alcohol, marijuana, or any controlled substance;~~
- 29 ~~—(3)—~~Providing the board false or misleading information on any application for a license
30 or renewal of a license;
- 31 ~~(4)~~(3) Willful misconduct or negligence in the practice of massage;

- 1 ~~(5) Prescribing or administering controlled substances, narcotics, barbiturates, or other~~
2 ~~potentially habit forming substances unless done through separate licensure under~~
3 ~~state law;~~
- 4 (6)(4) Exceeding the scope of practice of massage as defined in § 36-35-1;
- 5 (7)(5) Engaging in any lewd or immoral conduct;
- 6 (8)(6) Making ~~excessive or~~ fraudulent charges for services;
- 7 (9)(7) Engaging in conduct which endangers the health or welfare of clients or other
8 persons; or
- 9 (10)(8) Failure to comply with any provision of this chapter.

10 Section 10. That § 36-35-15 be amended to read as follows:

11 36-35-15. Any person holding a valid license or registration to practice massage from
12 another state whose requirements for licensure or registration are not less restrictive than this
13 state is ~~not required to take the~~ exempted from the requirement for any examination for
14 licensure by § 36-35-12. Any person applying for a license under this section shall submit an
15 application as required by § 36-35-12 along with proof of a current license. ~~This section applies~~
16 ~~only to persons holding licenses from states which offer reciprocity to persons licensed by this~~
17 ~~state.~~

18 Section 11. That § 36-35-16 be amended to read as follows:

19 36-35-16. Any person holding a valid license under this chapter may renew that license by
20 paying the required renewal fee and providing proof of compliance with the continuing
21 education requirements set by the board ~~at least thirty days prior to the expiration of the current~~
22 ~~license. Any person who submits a license renewal less than thirty days prior to the expiration~~
23 ~~of the license but no later than the expiration date shall submit a seventy-five dollar late fee. If~~
24 ~~the board has not received a license renewal by the expiration date, the board shall notify the~~
25 ~~licensee within five days that the renewal has not been received and that the licensee may not~~
26 ~~practice until the license is renewed. Any person who submits a license renewal~~ and provides
27 proof of compliance with the continuing education requirements set by the board within thirty
28 ~~days after the expiration date shall submit a one hundred fifty dollar late fee. Any person whose~~
29 ~~license has lapsed shall reapply for a license~~ be granted a license renewal.

30 Section 12. That § 36-35-18 be amended to read as follows:

31 36-35-18. ~~Any person holding a valid license under this chapter may obtain a certified~~
32 ~~duplicate license by submitting a fee to be set by the board by rule promulgated pursuant to~~
33 ~~chapter 1-26, not to exceed twenty-five dollars for each certified duplicate. The board may issue~~
34 a duplicate license to a licensee upon request.

1 Section 13. That § 36-35-19 be amended to read as follows:

2 36-35-19. Any person licensed under this chapter shall complete eight hours of continuing
3 education relating to competence in the practice of massage on a biennial basis of a type and
4 from a facility or instructor approved by the board. ~~No more than four of the~~ The required
5 continuing education hours may be obtained by electronic means. The board may waive the
6 continuing education requirement upon proof of illness or hardship.

7 Section 14. That § 36-35-20 be amended to read as follows:

8 36-35-20. The board shall receive and may investigate any complaint filed with the board
9 alleging that any licensed massage therapist has violated the requirements of this chapter. The
10 board may inspect the place of business of any person with a license issued pursuant to this
11 chapter named in a complaint pursuant to this section during normal business hours or upon
12 written notice.

13 Section 15. That § 36-35-21 be amended to read as follows:

14 36-35-21. Any person holding a valid license under this chapter and engaged in the practice
15 of massage therapy shall carry malpractice or professional liability insurance coverage with a
16 company with a certificate of authority from the South Dakota Division of Insurance with limits
17 at or in excess of the minimum amount established by the board of no less than two hundred
18 fifty thousand dollars per occurrence. A licensee shall notify the board of any change of carrier
19 occurring after a license or renewal is granted.

20 Section 16. That § 36-35-24 be amended to read as follows:

21 36-35-24. The board may promulgate rules pursuant to chapter 1-26 in the following areas:

- 22 (1) The form and information required for any license application;
- 23 (2) A list of recognized facilities or instructors who may provide training or instruction
24 required for licensure or continuing education requirements;
- 25 (3) The amount of license fees;
- 26 (4) The procedures for conducting disciplinary proceedings;
- 27 (5) ~~The minimum limits of malpractice insurance to be carried by any person licensed~~
28 ~~under this chapter; and~~ procedures for conducting complaint investigations;
- 29 (6) The procedures for applying for an inactive license and the procedures to regain
30 active licensure; and
- 31 (7) Approval of national competency examinations.

1 Section 17. That ARSD 20:76:02:02 be amended to read as follows:

2 20:76:02:02. License fee schedule. The license fee schedule is as follows:

3 (1) ~~License fee, \$65~~ Temporary permit fee, \$50;

4

5 (2) Annual license renewal fee, ~~\$65~~ \$45;

6 (3) Inactive license fee, ~~\$65~~ \$25;

7 (4) Application fee, ~~\$100~~ \$75.

8 Section 18. That ARSD 20:76:08:01 be amended to read as follows:

9 20:76:08:01. Recognized facilities. The board may license an applicant who has completed
10 the training required by § 20:76:01:06 from the following South Dakota facilities ~~until July 1,~~
11 ~~2014, at which time the facility shall be accredited pursuant to § 20:76:08:02:~~

12 (1) Black Hills Health & Education Center;

13 (2) Headlines Academy;

14 (3) National American University;

15 (4) Pam's Massage School;

16 (5) SD School of Massage Therapy;

17 (6) Sioux Falls Therapeutic Massage & Education Center; and

18 (7) Springs Bath House School of Massage."

19 And that as so amended said bill do pass.

20 Respectfully submitted,
21 Jean M. Hunhoff, Chair

22 Also MR. PRESIDENT:

23 The Committee on Transportation respectfully reports that it has had under consideration
24 HB 1174 and returns the same with the recommendation that said bill do pass and be placed on
25 the consent calendar.

26 Also MR. PRESIDENT:

27 The Committee on Transportation respectfully reports that it has had under consideration
28 HB 1144 and returns the same with the recommendation that said bill be amended as follows:

1 1144ta

2 On page 1, line 5, before "in a motor vehicle" delete "deer" and insert "wildlife animal."

3 On page 1, line 5, after "upon a" delete "deer" and insert "wildlife animal".

4 On page 1, line 6, delete "deer" and insert "animal".

5 On page 1, line 7, delete "deer" and insert "animal".

6 On page 1, line 8, delete "deer" and insert "wildlife animal".

7 1144fb

8 On page 1, line 10, of the House Transportation Committee engrossed bill, delete "Failure
9 to report pursuant to this section is a petty offense."

10 1144tta

11 On page 1, line 1, of the House Transportation Committee engrossed bill, delete "deer" and
12 insert "wildlife".

13 And that as so amended said bill do pass.

14 Respectfully submitted,
15 Mike Vehle, Chair

16 Also MR. PRESIDENT:

17 The Committee on State Affairs respectfully reports that it has had under consideration
18 HB 1049, 1112, and 1217 and returns the same with the recommendation that said bills do pass.

19 Also MR. PRESIDENT:

20 The Committee on State Affairs respectfully reports that it has had under consideration
21 HB 1110, 1115, and 1116 and returns the same with the recommendation that said bills do pass
22 and be placed on the consent calendar.

23 Also MR. PRESIDENT:

24 The Committee on State Affairs respectfully reports that it has had under consideration
25 HB 1108 and returns the same with the recommendation that said bill be amended as follows:

1 1108oc

2 On page 1, line 11, of the House State Affairs Committee engrossed bill, overstrike
3 everything after "resolution".

4 On page 1, line 12, overstrike everything before "." and insert "of a public body".

5 1108od

6 On the House State Affairs Committee engrossed bill, delete the previously adopted
7 amendment (1108oc).

8 On page 1, line 6, after "subdivisions" insert ", or any committee or subcommittee
9 thereof".

10 And that as so amended said bill do pass.

11 Respectfully submitted,
12 Larry Rhoden, Chair

13 **MESSAGES FROM THE HOUSE**

14 MR. PRESIDENT:

15 I have the honor to transmit herewith HB 1214 which has passed the House and your
16 favorable consideration is respectfully requested.

17 Also MR. PRESIDENT:

18 I have the honor to return herewith SB 121 which has passed the House without change.

19 Also MR. PRESIDENT:

20 I have the honor to return herewith SCR 2 in which the House has concurred.

21 Respectfully,
22 Arlene Kvislen, Chief Clerk

23 **MOTIONS AND RESOLUTIONS**

24 SCR 5 Introduced by: Senators Sutton, Adelstein, Begalka, Bradford, Brown, Buhl, Ewing,
25 Frerichs, Holien, Johnston, Jones, Kirkeby, Krebs, Lederman, Lucas, Maher, Novstrup (Al),

1 Olson (Russell), Omdahl, Otten (Ernie), Rhoden, Tidemann, Van Gerpen, Vehle, Welke, and
2 White and Representatives Qualm, Bartling, Bolin, Cammack, Campbell, Carson, Conzet,
3 Craig, Cronin, Dryden, Duvall, Ecklund, Erickson, Feickert, Feinstein, Gibson, Gosch, Haggar
4 (Don), Haggar (Jenna), Hajek, Hansen, Hawks, Hawley, Heinemann (Leslie), Heinert, Hickey,
5 Hoffman, Hunhoff (Bernie), Johns, Kaiser, Killer, Kirschman, Kopp, Latterell, Lust, Magstadt,
6 May, Mickelson, Miller, Munsterman, Nelson, Novstrup (David), Olson (Betty), Otten
7 (Herman), Parsley, Peterson, Rasmussen, Ring, Romkema, Rounds, Rozum, Schaefer,
8 Schoenfish, Schrempp, Sly, Soli, Solum, Stalzer, Steele, Stevens, Tulson, Tyler, Verchio,
9 Werner, Westra, Wick, Wink, and Wismer

10 A CONCURRENT RESOLUTION, Commending the Jobs for America's Graduates (JAG) pilot
11 program at Wagner Community School, and honoring Sage Zephier for delivering the
12 student address for the JAG National Leadership Awards Luncheon in Washington.

13 WHEREAS, Jobs for America's Graduates (JAG) is a state-based national nonprofit
14 organization dedicated to helping students stay in school through graduation, pursue
15 postsecondary education, and secure quality entry-level jobs leading to career advancement
16 opportunities; and

17 WHEREAS, the JAG pilot program at Wagner Community School is helping Wagner area
18 students between seventh and twelfth grades develop leadership skills, participate in community
19 service, prepare for college, and identify high quality careers; and

20 WHEREAS, the Wagner Community School, staff, and JAG specialists including
21 Superintendent Susan Smit, High School Principal Neil Goter, Middle School Principal Steve
22 Petry, and JAG specialists Renee VanDerWerff, Tana Langdeaux, Vanessa Iverson, and John
23 Tyler have been successfully leading the program with its first graduating class in 2013; and

24 WHEREAS, the 2013 graduating class includes Cheyenne Eldredge, Laurelle Gunhammer,
25 Noah Leines, Joseph Mattis, Clarissa Medicine Horn, Clifford O'Connor, Korey Patterson, Tyler
26 Provost, Sierra Williamson, Alexander "Zane" Zephier, Sage Zephier; and

27 WHEREAS, among the graduating class, Sage Zephier was selected from more than forty-
28 three thousand JAG students nationwide to deliver the student address for the JAG National
29 Leadership Awards Luncheon in front of one thousand attendees in Washington:

30 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-Eighth Legislature
31 of the State of South Dakota, the House of Representatives concurring therein, that the
32 Legislature commends Wagner Community School, staff, and students in JAG for their efforts
33 to help South Dakota students succeed; and

34 BE IT FURTHER RESOLVED, that the Legislature honors Sage Zephier for delivering the
35 student address for the JAG National Leadership Awards Luncheon in Washington.

36 Was read the first time, the President waived the referral to committee, and placed SCR 5
37 on the calendar of Tuesday, February 26, the 30th legislative day.

SCR 6 Introduced by: Senators Begalka, Adelstein, Bradford, Frerichs, Jensen, Kirkeby, Lederman, Maher, Monroe, Omdahl, Otten (Ernie), Rave, Rhoden, Sutton, Tieszen, Van Gerpen, Vehle, and Welke and Representatives Miller, Bartling, Campbell, Carson, Conzet, Craig, Cronin, Ecklund, Erickson, Feickert, Feinstein, Gibson, Gosch, Haggar (Don), Haggar (Jenna), Hansen, Hawks, Heinemann (Leslie), Heinert, Hickey, Hoffman, Hunhoff (Bernie), Killer, Kirschman, Kopp, Lust, Magstadt, May, Mickelson, Munsterman, Nelson, Olson (Betty), Otten (Herman), Parsley, Peterson, Qualm, Rasmussen, Ring, Schaefer, Schoenfish, Schrempp, Sly, Stalzer, Steele, Stevens, Tulson, Verchio, Werner, Westra, Wick, and Wink

A CONCURRENT RESOLUTION, Requesting the Congress of the United States to enact legislation that would reinstate the separation of commercial and investment banking functions that were in effect under the Glass-Steagall Act (Banking Act of 1933).

WHEREAS, an effective monetary and banking system is essential to the proper function of the economy; and

WHEREAS, an effective monetary and banking system must function in the public interest without bias; and

WHEREAS, the federal Banking Act of 1933, commonly referred to as the Glass-Steagall Act, protected the public interest in matters dealing with the regulation of commercial and investment banking, in addition to insurance companies and securities firms; and

WHEREAS, the Glass-Steagall Act was repealed in 1999, permitting members of the financial industry to exploit the financial system for their own gain in disregard of the public interest; and

WHEREAS, many financial industry entities were saved by the United States Treasury at a cost of billions of dollars to American taxpayers; and

WHEREAS, within the hundreds of pages of the Dodd-Frank Wall Street Reform and Consumer Protection Act, there are no prohibitions that prevent "too big to fail" financial services organizations from investing in or undertaking substantial risks involving trillions of dollars of derivative contracts; and

WHEREAS, the American taxpayers continue to be at risk for the next round of bank failures, as enormous risks are undertaken by financial services conglomerates:

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-Eighth Legislature of the State of South Dakota, the House of Representatives concurring therein, that the Congress of the United States is urged to enact legislation that would reinstate the separation of commercial and investment banking functions that were in effect under the Glass-Steagall Act (Banking Act of 1933). That Act prohibited commercial banks and bank holding companies from investing in stocks, underwriting securities, or investing in or acting as guarantors to derivative transactions, in order to prevent American taxpayers from being called upon to fund hundreds of billions of dollars to bail out financial institutions.

1 Was read the first time, the President waived the referral to committee, and placed SCR 6
2 on the calendar of Tuesday, February 26, the 30th legislative day.

3 HCR 1007: A CONCURRENT RESOLUTION, endorsing Taiwan's participation as an
4 observer in the International Civil Aviation Organization (ICAO) and the United Nations
5 Framework Convention on Climate Change (UNFCCC), and the twenty-ninth anniversary of
6 sister state relations with the Province of Taiwan in the Republic of China (Taiwan).

7 Was read the first time, the President waived the referral to committee, and placed
8 HCR 1007 on the calendar of Tuesday, February 26, the 30th legislative day.

9 HCR 1008: A CONCURRENT RESOLUTION, Exposing and opposing United Nations
10 Agenda 21.

11 Was read the first time, the President waived the referral to committee, and placed
12 HCR 1008 on the calendar of Tuesday, February 26, the 30th legislative day.

13 Sen. Olson moved that HB 1163, 1030, 1239, 1164, and 1033 be deferred to Tuesday,
14 February 26, the 30th legislative day.

15 Which motion prevailed.

16 **CONSIDERATION OF REPORT OF COMMITTEE**

17 Sen. Olson moved that the report of the Standing Committee on

18 Health and Human Services on HB 1208 as found on page 543 of the Senate Journal be
19 adopted.

20 Which motion prevailed.

21 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

22 HB 1214: FOR AN ACT ENTITLED, An Act to provide medical care for certain unborn
23 children.

24 Was read the first time and referred to the Committee on Health and Human Services.

Pursuant to JR 6C-2 the President determined the bill required a fiscal note and requested the Legislative Research Council to prepare the fiscal note.

SECOND READING OF CONSENT CALENDAR ITEMS

Sen. Brown requested that HB 1068 be removed from the Consent Calendar.

Pursuant to Senate Rule 6-1, the President removed HB 1162 from the Consent Calendar.

HB 1048: FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions related to the Department of Agriculture.

Was read the second time.

The question being "Shall HB 1048 pass as amended?"

And the roll being called:

Yeas 35, Nays 0, Excused 0, Absent 0

Yeas:

Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

HB 1058: FOR AN ACT ENTITLED, An Act to repeal and revise certain statutes related to the Animal Industry Board.

Was read the second time.

The question being "Shall HB 1058 pass as amended?"

And the roll being called:

Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
3 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
4 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
5 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 So the bill having received an affirmative vote of a majority of the members-elect, the
7 President declared the bill passed and the title was agreed to.

8 HB 1081: FOR AN ACT ENTITLED, An Act to specify the duration of certain municipal
9 appointments.

10 Was read the second time.

11 The question being "Shall HB 1081 pass?"

12 And the roll being called:

13 Yeas 35, Nays 0, Excused 0, Absent 0

14 Yeas:

15 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
16 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
17 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
18 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 President declared the bill passed and the title was agreed to.

21 HB 1082: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
22 designation of official newspapers for municipalities.

23 Was read the second time.

24 The question being "Shall HB 1082 pass as amended?"

25 And the roll being called:

26 Yeas 35, Nays 0, Excused 0, Absent 0

27 Yeas:

28 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
29 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
30 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
31 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 HB 1158: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
4 posting of public notice for meetings of public bodies.

5 Was read the second time.

6 The question being "Shall HB 1158 pass as amended?"

7 And the roll being called:

8 Yeas 35, Nays 0, Excused 0, Absent 0

9 Yeas:

10 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
11 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
12 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden;
13 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

14 So the bill having received an affirmative vote of a majority of the members-elect, the
15 President declared the bill passed and the title was agreed to.

16 SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

17 HB 1019: FOR AN ACT ENTITLED, An Act to authorize the involuntary treatment of
18 jailed prisoners with psychotropic medication.

19 Was read the second time.

20 1019jb

21 Sen. Adelstein moved that HB 1019 be amended as follows:

22 On page 1, line 15, of the printed bill, delete "physician" and insert "psychiatrist, if not in
23 person, by teleconference or other electronic connection with a psychiatrist or nurse practitioner
24 who has a collaborative relationship with a psychiatrist licensed to practice in South Dakota, or,
25 if the prisoner has a personal physician who prescribed a medication or has professional
26 knowledge of a medication that has been prescribed to the prisoner for a mental illness, the
27 prisoner's personal physician".

28 On page 2, line 6, delete "physician" and insert "psychiatrist, nurse practitioner who has
29 a collaborative relationship with a psychiatrist licensed to practice in South Dakota, or the
30 prisoner's personal physician".

1 On page 2, line 11, after "days, a" delete "physician" and insert "psychiatrist, nurse
2 practitioner who has a collaborative relationship with a psychiatrist licensed to practice in South
3 Dakota, or the prisoner's personal physician as provided in section 2 of this Act".

4 On page 2, line 18, after "physicians" insert "one of whom is a psychiatrist, nurse
5 practitioner who has a collaborative relationship with a psychiatrist licensed to practice in South
6 Dakota, or, pursuant to section 2 of this Act, the prisoner's personal physician".

7 Sen. Olson moved the previous question.

8 Which motion prevailed.

9 Sen. Adelstein's motion to amend lost.

10 The question being "Shall HB 1019 pass?"

11 And the roll being called:

12 Yeas 22, Nays 13, Excused 0, Absent 0

13 Yeas:

14 Brown; Buhl; Frerichs; Heineman (Phyllis); Hunhoff (Jean); Johnston; Jones; Kirkeby; Krebs;
15 Lucas; Novstrup (Al); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;
16 Vehle; Welke; White

17 Nays:

18 Adelstein; Begalka; Bradford; Ewing; Holien; Jensen; Lederman; Maher; Monroe; Olson
19 (Russell); Omdahl; Otten (Ernie); Van Gerpen

20 So the bill having received an affirmative vote of a majority of the members-elect, the
21 President declared the bill passed and the title was agreed to.

22 HB 1020: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
23 evaluation and treatment of persons with mental illness.

24 Was read the second time.

25 The question being "Shall HB 1020 pass as amended?"

26 And the roll being called:

27 Yeas 24, Nays 11, Excused 0, Absent 0

1 Yeas:

2 Adelstein; Bradford; Brown; Buhl; Frerichs; Heineman (Phyllis); Hunhoff (Jean); Johnston;
3 Jones; Kirkeby; Krebs; Lederman; Lucas; Peters; Rampelberg; Rave; Soholt; Sutton; Tidemann;
4 Tieszen; Van Gerpen; Vehle; Welke; White

5 Nays:

6 Begalka; Ewing; Holien; Jensen; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl;
7 Otten (Ernie); Rhoden

8 So the bill having received an affirmative vote of a majority of the members-elect, the
9 President declared the bill passed and the title was agreed to.

10 HB 1079: FOR AN ACT ENTITLED, An Act to increase the fee for certain property tax
11 deeds.

12 Was read the second time.

13 The question being "Shall HB 1079 pass?"

14 And the roll being called:

15 Yeas 32, Nays 3, Excused 0, Absent 0

16 Yeas:

17 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
18 Hunhoff (Jean); Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup
19 (Al); Olson (Russell); Omdahl; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;
20 Van Gerpen; Vehle; Welke; White

21 Nays:

22 Jensen; Otten (Ernie); Peters

23 So the bill having received an affirmative vote of a majority of the members-elect, the
24 President declared the bill passed and the title was agreed to.

25 HB 1101: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to public
26 employee grievance procedures.

27 Was read the second time.

28 The question being "Shall HB 1101 pass as amended?"

29 And the roll being called:

1 Yeas 34, Nays 1, Excused 0, Absent 0

2 Yeas:

3 Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);
4 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
5 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton;
6 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

7 Nays:

8 Adelstein

9 So the bill having received an affirmative vote of a majority of the members-elect, the
10 President declared the bill passed and the title was agreed to.

11 HB 1118: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding special
12 motor vehicle license plates for veterans with disabilities.

13 Was read the second time.

14 The question being "Shall HB 1118 pass as amended?"

15 And the roll being called:

16 Yeas 31, Nays 4, Excused 0, Absent 0

17 Yeas:

18 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
19 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Monroe; Novstrup
20 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Soholt; Sutton;
21 Tidemann; Vehle; Welke; White

22 Nays:

23 Maher; Rhoden; Tieszen; Van Gerpen

24 So the bill having received an affirmative vote of a two-thirds majority of the members-
25 elect, the President declared the bill passed and the title was agreed to.

26 HB 1180: FOR AN ACT ENTITLED, An Act to allow veterans to receive credit for certain
27 military training and experience.

28 Was read the second time.

29 The question being "Shall HB 1180 pass as amended?"

1 And the roll being called:

2 Yeas 35, Nays 0, Excused 0, Absent 0

3 Yeas:

4 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
5 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
6 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
7 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

8 So the bill having received an affirmative vote of a majority of the members-elect, the
9 President declared the bill passed and the title was agreed to.

10 HB 1028: FOR AN ACT ENTITLED, An Act to repeal the requirement that a minor be
11 accompanied by an adult while hunting mourning doves.

12 Was read the second time.

13 The question being "Shall HB 1028 pass?"

14 And the roll being called:

15 Yeas 33, Nays 2, Excused 0, Absent 0

16 Yeas:

17 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
18 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Novstrup
19 (Al); Olson (Russell); Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton;
20 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

21 Nays:

22 Monroe; Omdahl

23 So the bill having received an affirmative vote of a majority of the members-elect, the
24 President declared the bill passed and the title was agreed to.

25 HB 1038: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse
26 certain family physicians, dentists, and physician assistants who have complied with the
27 requirements of the recruitment assistance program.

28 Was read the second time.

29 The question being "Shall HB 1038 pass?"

30 And the roll being called:

1 Yeas 34, Nays 1, Excused 0, Absent 0

2 Yeas:

3 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
4 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Novstrup
5 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
6 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

7 Nays:

8 Monroe

9 So the bill having received an affirmative vote of a two-thirds majority of the members-
10 elect, the President declared the bill passed and the title was agreed to.

11 HB 1057: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related
12 to suppression of wildfires in the state and to declare an emergency.

13 Was read the second time.

14 The question being "Shall HB 1057 pass?"

15 And the roll being called:

16 Yeas 35, Nays 0, Excused 0, Absent 0

17 Yeas:

18 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
19 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
20 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
21 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

22 So the bill having received an affirmative vote of a two-thirds majority of the members-
23 elect, the President declared the bill passed and the title was agreed to.

24 HB 1141: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding certain
25 motor vehicle dealer license plates and permits.

26 Was read the second time.

27 The question being "Shall HB 1141 pass?"

28 And the roll being called:

29 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
3 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
4 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
5 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 So the bill having received an affirmative vote of a two-thirds majority of the members-
7 elect, the President declared the bill passed and the title was agreed to.

8 **SIGNING OF BILLS**

9 The President publicly read the title to

10 SB 121: FOR AN ACT ENTITLED, An Act to repeal certain provisions relating to the
11 Commission on Intergovernmental Cooperation.

12 HB 1001: FOR AN ACT ENTITLED, An Act to require mineral developers to give notice
13 to surface owners before entering the land.

14 HB 1002: FOR AN ACT ENTITLED, An Act to provide for the creation of a trust account
15 for unlocatable mineral interest owners.

16 HB 1003: FOR AN ACT ENTITLED, An Act to revise the purpose of the agriculture
17 mediation program.

18 HB 1004: FOR AN ACT ENTITLED, An Act to provide for the award of treble damages
19 in certain surface depredation cases.

20 HB 1011: FOR AN ACT ENTITLED, An Act to authorize the Board of Hearing Aid
21 Dispensers and Audiologists to establish a thirty day trial period for the sale of hearing aids.

22 HB 1035: FOR AN ACT ENTITLED, An Act to allow electronic submission and record
23 keeping of placed in service reports.

24 HB 1039: FOR AN ACT ENTITLED, An Act to clarify the gross receipts subject to
25 taxation by the retail sales and service tax, the gross receipts tax on visitor related businesses,
26 the municipal non-ad valorem tax, and the municipal gross receipts tax.

27 HB 1067: FOR AN ACT ENTITLED, An Act to designate POW/MIA Recognition Day
28 as a working holiday.

29 HB 1069: FOR AN ACT ENTITLED, An Act to increase the administrative assessment
30 fee for the guarantee fund.

31 HB 1070: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
32 failure to fulfill the responsibilities of jury duty.

1 HB 1071: FOR AN ACT ENTITLED, An Act to revise the contents of the application for
2 the discharge of a civil judgment debt discharged in bankruptcy.

3 HB 1072: FOR AN ACT ENTITLED, An Act to repeal certain provisions providing a
4 criminal penalty for a political party to endorse or nominate a judicial candidate.

5 HB 1073: FOR AN ACT ENTITLED, An Act to establish a procedure for the
6 determination of the competency of a juvenile to proceed in a juvenile court matter.

7 HB 1076: FOR AN ACT ENTITLED, An Act to repeal the requirement to separately
8 publish certain information concerning county poor relief from the minutes of the county
9 commissions.

10 HB 1078: FOR AN ACT ENTITLED, An Act to revise the location where certain county
11 highway maps may be filed.

12 HB 1084: FOR AN ACT ENTITLED, An Act to designate Purple Heart Recognition Day
13 as a working holiday.

14 HB 1099: FOR AN ACT ENTITLED, An Act to authorize municipalities to pay for certain
15 services in advance.

16 HB 1107: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
17 drainage utility fees in municipalities.

18 HB 1117: FOR AN ACT ENTITLED, An Act to revise the definition of a temporary
19 special events lot for the purposes of vehicle dealer licensing.

20 HB 1153: FOR AN ACT ENTITLED, An Act to exempt certain environmental upgrade
21 values from assessment during construction and to provide a sunset clause for the environmental
22 upgrade exemption.

23 And signed the same in the presence of the Senate.

24 Sen. Krebs moved that the Senate do now adjourn, which motion prevailed and at
25 4:11 p.m. the Senate adjourned.

26 Jeannette Schipper, Secretary